

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY FARES,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.

ORDER

12 Civ. 5783 (ER)

Ramos, D.J.:

Plaintiff Jeffrey Fares (“Plaintiff”) commenced this action on July 27, 2012. Doc. 1. On April 12, 2013, the case was referred to the Honorable Judge Ronald L. Ellis, United States Magistrate Judge, for general pretrial purposes, Doc. 10, and on July 22, 2013, the case was reassigned to the undersigned. On July 16, 2013, counsel for Plaintiff submitted a letter motion requesting permission to withdraw as attorney of record for Plaintiff, who had failed to return any of counsel’s telephone calls or respond to counsel’s letters since approximately March 14, 2013. On September 18, 2013, Judge Ellis granted counsel’s motion to withdraw as counsel for Plaintiff, and directed Plaintiff to respond to the Court by October 4, 2013 indicating whether he intends to pursue this litigation. Doc. 18. No response from Plaintiff was received by October 4, 2013.

On October 25, 2013, Judge Ellis noted that the Court had received two addresses for Plaintiff, and because Plaintiff may therefore not have received the September 18, 2013 Order, the Court reissued the Order to Plaintiff at his two known addresses. Doc. 22. The October 25, 2013 Order directed Plaintiff to respond to the Court by November 12, 2013 indicating whether

he intends to pursue this litigation. *Id.* Plaintiff did not respond to the Order by the November 12, 2013 deadline.

By letter dated November 25, 2013, Defendants requested that the Court dismiss this action. Doc. 24. On December 2, 2013, Judge Ellis issued a Report and Recommendation (the "Report") recommending that the action be dismissed without prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Doc. 26. Copies of the Report were mailed to Plaintiff's two known addresses. *Id.* The parties were directed to file any objections to the Report by December 16, 2013. *Id.* No objections were received by that date.

Despite Petitioner's failure to object to the Report, the Court has reviewed Judge Ellis' Report and finds no error, clear or otherwise. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008) ("The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record."). Accordingly, in light of Plaintiff's failure to respond to the Court's Orders directing him to indicate whether he intends to prosecute his case, and in the absence of any objections, the Court hereby ADOPTS Judge Ellis' Report and Recommendation.

The above-titled action is hereby DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of the Court is respectfully directed to close this case.

It is SO ORDERED.

Dated: December 31, 2013
New York, New York



Edgardo Ramos, U.S.D.J.